

Serial No. 10/724,777

Amendment dated May 10, 2005

In Reply of Office Action date January 10, 2005

**R E M A R K S**

The Office Action dated January 10, 2005 has been received and its contents carefully noted.

In view of the foregoing amendments and the following representations, reconsideration and allowance are respectfully requested.

Examiner Pechhold is thanked for the courtesies extended undersigned counsel during the telephone interview of March 15, 2005.

During that interview, undersigned counsel explained how Halferty et al. differed from the claimed invention, reiterating that the Halferty et al. described an inwardly opening cover, as opposed to Applicant's outwardly opening cover. Examiner Pechhold pointed out that without the tank per se being claimed, there was no reference point for inwardly versus outwardly. Applicant's counsel argued that the claims were directed to a cover claimed and configured as an outwardly opening cover, but Applicant would consider the Examiner's position. Examiner Pechhold agreed that amended claim 19, if amended to claim the combination of the tank and the outwardly opening cover might define over Halferty et al., and she withheld a final

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determination until she could see the written amendment.

As discussed during the interview, should any outstanding formal matters or other issues remain, or should the application not be in condition for allowance, Examiner Pechhold is requested to telephone Terrence Brown to arrange a personal interview to point out the differences between the prior art of record and the claimed invention.

As to the Office Action, please note the following.

To overcome the objection to claim 19, amended claim 19 has been reviewed and written to ensure that the "heading with the serial number and dates" would appear only at the top of the page.

To overcome the objection to the specification, Applicant's parent application patent number has been inserted in the specification, as requested.

To overcome the rejection of the claims as being anticipated by U.S. Patent No. 6,109,823 to Halferty et al., independent claim 19 has been amended to still further define thereover.

Amended claim 19 now sets forth the particular combination of a negative pressure storage tank, a manhole, a manway defining the manhole, and an outwardly opening cover.

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In Fig. 2 of Halferty et al., as can be seen from the Halferty et al. description of the invention beginning at column 2, line 61 of Halferty et al., the Halferty et al. existing manhole 27 has been "retrofitted to accept an inwardly opening cover assembly reference 30." Emphasis added. Such an inwardly opening cover is particularly suited for use on a positive pressure storage tank, unlike Applicant's claimed negative pressure storage tank having an outwardly opening manhole cover.

As emphasized in Applicant's December 3, 2004 Amendment, Halferty et al. explained in column 1, beginning at line 19 that "by replacing the outwardly opening cover with one that opens inwardly, any material forces that are exerted against the cover will help to hold the cover closed and will prevent material stored in the tank from collecting in the manway."

It would have been readily apparent to a person having ordinary skill in the art that Halferty et al. was describing a positive pressure storage tank.

In sum, Halferty et al. would have taught directly away from Applicant's claimed invention, as Halferty et al. advocated the use of an inwardly opening manhole cover for use on a positive pressure storage tank, as opposed to Applicant's claimed negative

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pressure storage tank having an outwardly opening manhole cover.

For brevity of discussion, the patentability of the dependent claims which set forth additional novel and unobvious specifics of Applicant's invention, will be allowed to rest on their dependence from independent claim 19 at this time.

In summary, the application is submitted to be in condition for allowance with claims 19-22, 27-30, 42, and 43.

Claim 19 is in independent form.

Formal drawings have been submitted in a separate paper.

Attached is a check in the amount of \$455.00 for the filing of a Request for Continued Examination (\$395.00) plus a one(1) month extension (\$60.00). It is believed that no additional fee is due for this submission. However, should that determination be incorrect please charge our Deposit Account No. 19-2105 and notify the undersigned in due course.

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Should any outstanding formal matters or other issues remain, please call Terrence Brown at (703) 684-5600 to resolve such, and to schedule a personal interview if any remaining issues can not be resolved by telephone.

Respectfully submitted,

Date:

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